

Flood Is Given 3 Years; Court Scores Police

Judge Nott, in Sentencing Patrolman for Killing Boy, Decries Gun Play and Brutality by Officers

Defendant Freed on Bail Certificate of Reasonable Doubt Granted Him and O'Brien; Bond \$10,000

The Police Department was scored for unnecessary brutality and the unwarmed display and use of guns, clubs and blackjacks by Judge Charles C. Nott, sitting in Part V of General Sessions, yesterday, in sentencing Patrolman Cornelius J. Flood to serve from three to ten years in state's prison for the killing of sixteen-year-old James Cushing in July, 1918.

Flood was convicted of manslaughter in the second degree, and his sentence having been voted by the extraordinary grand jury presiding over the Whitman investigation of the Police Department and the Hyman and

Patrolman Robert A. O'Brien was indicted with Flood and is awaiting trial on a similar charge.

Both policemen were released last night on \$10,000 bail each. Flood on a certificate of reasonable doubt, granted by Judge Nott after the conviction, and O'Brien because the indictment pending against him had been reduced from murder in the second degree to manslaughter in the second.

The trial of Flood was prosecuted by former Governor Charles S. Whitman, aided by Assistant District Attorney George V. Brodhead.

May Investigate Grand Jury

In view of Judge Nott's arraignment of the Police Department, based on the facts disclosed in the Flood trial, it was said at the Criminal Courts Building yesterday that the failure of Assistant District Attorney Joyce and the grand jury of July, 1918, before which the case was first presented, to find indictments against Flood and O'Brien, would become a phantom of Mr. Whitman's future investigations.

During the trial of Flood it was shown that the statements made by the witnesses to Mr. Joyce and the 1918 grand jury had not been taken at all with the same care as those taken by Judge Nott. In many cases the witnesses denied that they made statements read to them from stenographic transcripts of the trial.

In the Flood trial, the number of witnesses the jury heard was reduced to three, and the testimony in the trial ended was at complete variance with that alleged to have been given in Mr. Joyce's trial.

Flood and O'Brien were charged with having gone to the roof of a tenement in West Fifty-fifth Street on Sunday, July 14, 1918, and fired shotguns, and with having thrown and engaged in flying pigeons there. Two of the boys were arrested and Cushing, who attempted to escape across adjoining roofs, was killed by the two policemen.

In the indictment Williams is charged with stealing the jewels from a storehouse occupied by Mrs. Stokes on a train between Buffalo and New York. At that time Mrs. Stokes was traveling with her mother and children from Buffalo.

Mr. Sandler told the court that counsel for the complainant had asked him to refrain from asking Mrs. Stokes certain questions. He told the court that he had refused to make the stipulation because he had received information to be used to attack the credibility of the complainant should she take the stand.

The court at this point asked Mr. Sandler if he was discussing the materiality of the stipulation. He said the woman. Counsel replied in the affirmative.

"I am trying to ascertain what a woman's social position has to do with her credibility," said Judge Talley.

"Mr. W. E. D. Stokes," said Mr. Sandler, "has furnished information concerning the ownership of the jewels. He is prepared to testify that they were not gifts from him."

"I will not permit the Stokes divorce issue to be tried out here," said Judge Talley. "I will not dismiss the indictment pending the outcome of the divorce action, but I will urge the District Attorney to try the case as soon as the divorce action has been settled."

Stokes Denies He Gave Wife Jewels Stolen on Sleeper

Counsel for Porter Accused of Theft Announces He Will Question Credibility of Complainant at Trial

Judge Alfred J. Talley, in the Court of General Sessions yesterday, set April 4 as the date for trial of Henry Williams, a negro Pullman porter, of 162 Pine Street, Buffalo, who is under indictment charged with the theft in November, 1917, of jewels valued at \$30,000 from Mrs. W. E. D. Stokes.

Williams was tried two years ago, but the jury disagreed. Bernard J. Sandler, counsel for Williams, told the court yesterday that the case had been on the calendar thirty-one times since the disagreement.

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Example to Police Force

In pronouncing sentence upon Flood yesterday Judge Nott declared that the case was a salutary example to the police force. At the same time the court took occasion to denounce the police practice of extorting contributions from prisoners by means of brutality.

Judge Nott said that if the police have to break the law in order to preserve it the Police Department had proved itself a failure. He said that the case was one which should be a lesson to the community.

At the time of the shooting both Flood and O'Brien were patrolmen attached to the West Forty-seventh Street station. The conviction is the first recorded in the Whitman investigation of the Police Department.

Flood was defended by William J. Fallon and Eugene F. McGee, who are also counsel for O'Brien.

In pronouncing sentence Judge Nott said:

"It is a hard duty upon the court to impose sentence in this case. The defendant has been convicted by a jury. That jury, before finding its verdict, had before it the facts of the defendant's previous character and the further fact that he had been only five or six weeks in the police force at the time of the shooting."

The court has received a number of letters asking that clemency be shown. I do not feel that counsel is correct in his contention that there was no moral wrong. There was moral wrong in the way they used their guns."

No Need for Shooting

"Here we have two subordinated police officers confronting eight or ten boys, some in short pants, on a roof. The officers burst on the roof with drawn guns in their hands and shoot at the boys. The result was one much needed in this community as an example to the police force. There was absolutely no need for the drawing and discharging of the revolvers."

"The appearance of the defendants to the bar. Only the other day a defendant who was arraigned before me had two ribs broken and his head cut open. He received these injuries at the time of his arrest, and the police man's explanation was that the man had tried to pull away."

"Numerous other cases have come to the attention of the judges in these courts in which confessions were obtained from defendants, and investigation has shown that these confessions were signed only after the defendants had been brutally beaten."

"If police officers cannot keep order without resorting to undue and unwarranted violence on their own part, it may be better to break the law themselves in order to preserve the law, than the police force is a failure."

Two More Indictments

Make Police Total 21

The twenty-first indictment to be voted in former Governor Whitman's investigation of the Police Department was returned yesterday by the extraordinary grand jury when it delivered to Judge Thomas C. T. Grain two true bills against John Fitzpatrick, formerly a detective sergeant in command of the Police Department and recently reduced to the rank of patrolman and transferred to a Harlem precinct.

Both indictments charged Fitzpatrick with having accepted unlawful gratuities for the return of stolen automobiles.

Fitzpatrick surrendered himself last night at the Criminal Courts Building.

Subsequent to Thomas, Reith and Russo were respectively admitted to \$500 bail on both counts.

The first indictment returned against a former head of the automobile squad was signed on May 7, 1917, a Buick car, owned by T. B. Moineau, of Holyoke, Mass., was recovered by Fitzpatrick after it had been taken and that he accepted from H. M. Shedd, an automobile insurance adjuster, of 140 Nassau Street, this city, \$50 as a reward.

The second indictment alleges that Fitzpatrick accepted \$100 from J. Chester Sneath, an insurance adjuster, of 80 Maiden Lane, for the return of an automobile stolen from Morris Rosenbaum, said to be an artist. The car is said to have been taken near its left at the corner of Forty-fifth Street and Broadway and to have been recovered by Fitzpatrick in Brooklyn.

Former Governor Whitman and his assistants, who presented the indictments before the extraordinary grand jury yesterday said afterward that both rewards were paid to Fitzpatrick by the second grand jury. The latter had been reported to the Police Commissioner as required by the city charter.

Bandits Hold Up Five; Take \$8,000 and Auto

Out Girl Stenographer and Others From Machine, Drive Off With Pay Roll Funds

HACKENSACK, N. J., March 24.—In face of the charges publicly leveled at her in Supreme Court at White Plains yesterday, Mrs. Anne Urquhart Stillman, wife of the president of the National City Bank, appeared before reporters and photographers at Laurel-in-the-Pines this afternoon with the same nonchalant attitude that she has worn since the divorce suit against her opened. For more than a week word was sent daily from her suite that an interview might be expected, but, following a conference with her lawyers, she has decided to remain silent on the subject of the divorce action brought by her husband, and her counter charges.

She repudiated a message published in a morning paper yesterday purporting to have come from her. Her formal statement to reporters relative to the marital tangle in which she is involved is:

"Thank you for your courtesy, of which I am fully appreciative. My affairs are entirely in the hands of my lawyers."

Cordial on Other Topics

While her lips are firmly sealed in this respect, she is otherwise frank and friendly. She cut a jaunty figure as she came out on the tennis court today to speak to reporters whom she has been holding off from day to day pending the hearing at White Plains.

She wore a dashing Stuart tartan skirt, short and pleated, a pewter gray coat with enveloping sash and a henna daisy tam. A handsome moonstone ring held the place of her wedding ring on the third finger of her left hand and she wore a string of large pearls. It was difficult to believe that so youthful a figure could be the mother of a grown-up son and daughter, and that to a nine-year-old boy, and also Baby Guy, whose legitimacy is assailed. She confessed to fatigue to-day, but none of her eyes were in the clear sparkle of her bygone days or the healthy glow of her skin.

Two detectives stood guard in the tennis court to see that no moving picture operators bothered Mrs. Stillman. She has repeatedly expressed her aversion to having screen pictures taken either of herself or the children. Extending her hand in firm, boyish fashion to the assembled reporters she took her seat and in a hurried survey of the rain drizzling on the lawn, the curious glances from the hotel windows facing on the tennis courts and Alec and Guy in their nursery window looking down on her, she was smiling and smiling. They had already been through the mill with cameras and knew how it was done.

stood to be persons, resident of Canada, where Mrs. Stillman's hunting for months on Mr. Stillman's hunting estate and adjoining property in the State of New York. She had purchased a farm and where she built a large house. Some of these witnesses are Indians of the Iroquois Nation.

It is known that Mrs. Stillman's attorneys were exceedingly rushed for time in which to prepare the affidavits that accompanied the amended answer. It was intimated by one authority that Mrs. Stillman had been in an ultimatum reconciliation or private settlement of the marital differences when she took passage for Europe, and held this belief up to the moment she was advised by her lawyers to sue for divorce.

In open court attorneys for both sides have asserted that they would fight the case through the courts to a definite conclusion, which gives rise to the belief that the case will be rushed to trial on its merits.

Morschauer has passed on the matter of alimony.

Guide Says Banker Does Not Want His Evidence

Special Dispatch to The Tribune

LAKE PLACID, N. Y., March 24.—Fred Beauvais was employed as a guide and instructor at Lake Placid Club from June to October last year.

Persons at the club to-day, among them a man who was so intimate with Beauvais that only a few nights ago he had dinner with him in Montreal, gave a uniformly complimentary report of the guide's conduct during his stay at the club.

The man who had dinner with Beauvais in Montreal said the guide was willing to go to New York any time he is wanted.

"But," said this man, "Beauvais doesn't believe Stillman will want him to go. He knows too much. He says he's willing to testify and that he's been in communication with Mrs. Stillman's lawyers about it. He denies all of Stillman's charges and the last he said on the subject was this: 'I know too much about him.'"

The guide never spoke of the Stillman situation while here, although he knew the whole affair was soon to become public. He knew it because detectives, two of them men, and one woman, sought to gain his confidence in the hope that something he would say or do would aid in the fight to be made by Stillman.

Persons who knew Beauvais here say he is quiet, mids his own business, and has been anxious to please all his employees. He has good references at the Lake Placid Club and among them, it is understood, was a letter from Mrs. Stillman. Officials at the club did not deny the letter to-day.

Three Accuse Alleged Fagin

A charge that he had been sending boys to various Brooklyn department stores to steal was made yesterday against Elias Haick, proprietor of a candy shop at 275 Atlantic Avenue, when he was arraigned in the Adams Street court.

Four of the seven boys who are alleged to have been stealing for Haick were arraigned yesterday in an effort to break the disturbance. They are Thomas Scanlon, eleven years old, 100 Boerum Place; James Allen, ten, of 233 Pacific Street; Columbus Carroll, nine, of 224 Pacific Street; and Joseph Patrazzo, twelve, of 98 Dean Street. Three of them were in court yesterday to testify. They said Haick sent them to the stores and bought any loot they brought back.

The accused man was held in \$1,000 bail on a charge of criminally receiving stolen goods.

Mrs. Stillman in Smiling Mood For Camera; Silent on Divorce

Friendly and Approachable on All Topics Save Her Marital Drama, She Voices Pride in Her Youngsters: "Real Boys"

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Lies Down to Die Beside Wife He Slew, and Sleeps

East Side Man Stabs Himself After Fatal Quarrel, but Awakes to Face Crime Charge

Andrew Zakar, a painter, of 280 East Eighteenth Street, stabbed his wife to death in their flat Wednesday night and then, after cutting his own throat, lay down beside the woman's body to die. Instead, he fell asleep and did not awake until yesterday morning, according to plans, he made to the police at the East Eighteenth Street station.

Zakar approached Patrolman Curry at East Eighteenth Street and Third Avenue yesterday soon after noon and explained what had happened. Later, at the police station, he said he had accused his wife of having been married in Hungary before he met her and of having committed the same crime. A quarrel that ensued he stabbed her and then choked her with a pillow until she died.

"After I cut my own throat I thought I was going to die," said Zakar. "I lay down on the bed beside my wife. Instead of dying I went to sleep and when I awoke had not the courage to end it, so I told the policeman."

Four youths are being detained by the police on charges of grand larceny in connection with the disappearance of \$50,000 worth of silk belonging to the Silk Finishing Company of America, with mills at 33 to 39 Bethune Street. An alleged robbery in which the four who are now detained claim to have been held up at the point of revolvers, bound and bundled into an automobile truck and hauled several miles, is being investigated by the police.

First intimation of the robbery came yesterday afternoon when Thomas Lehay, nineteen years of age, of 646 Hudson Street, a chauffeur for the Silk Finishing Company, appeared at the Thirty-third Street police station with the three other youths. He told the police that he and the three helpers had started out to deliver a double load of silk shortly after lunch. He said that when a black block from the Silk Finishing Company came to a stop at a well dressed stranger, who stepped from the curb and shouted to him to stop the truck.

Lehay said the stranger drew a revolver and pointed it at his head and commanded him to crawl back into the truck, which was inclosed. As the first man climbed upon the truck, Lehay said another stepped from a doorway with a revolver and also climbed on the truck. He said that he and the three assistants, after crawling into the truck, were bound and gagged. He and the three other youths were bound hand and foot with rope which the second man took from beneath his coat. He said that the truck was then started and run approximately twenty minutes.

Lehay said that when the truck stopped, the silk was unloaded and the robbers again started the truck, finally halting it.

Within a short while one of the prisoners, he claimed, released his hands and then released the other three. Upon leaving the truck, he said, they found themselves at Thirty-eighth Street and Third Avenue, and went at once to the Thirty-fifth Street police station to report the robbery. In making his report he said that blankets and overcoats had been thrown over all four of them as they lay in the truck.

Besides Lehay, the youths gave their names as George Long, sixteen years old, 763 West Street; Charles Nemo, seventeen years old, 86 Jane Street, and Edward Michael, sixteen years old, 174 West Street. They are all connected with the Silk Finishing Company for about a year, and the others were recently employed.

Freed Suspects Rearrested

3 Alleged Pennsylvania Bank Robbers Get Habeas Corpus Writ

After being discharged by Magistrate Levine in the Tombs court yesterday, three men were rearrested yesterday on extradition warrants issued by the Governor of Pennsylvania, where the three men are wanted in connection with a daylight hold-up of the People's Trust Company, of Wymondslake, Pa., in which \$185,000 in securities were stolen.

After the three men were taken back to the Tombs the law firm of Fallon & McGee obtained a writ of habeas corpus from the Supreme Court in an effort to have them released from custody. Justice Bijur set down the hearing for April 5 and remanded Wallace, Stark and Bernstein to the Tombs.

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Battle's Testimony Benefits Kilroe in Conspiracy Trial

Prosecutor Told Him Settlement of Civil Case Would Not Affect Criminal One, Says Boursae's Attorney

George Gordon Battle, who was attorney for Napoleon A. Boursae, a stock broker charged with bigamy, was a witness yesterday for the defense at the trial of Edwin P. Kilroe, Assistant District Attorney, and Louis E. Swarts, a lawyer, who were indicted together on a charge of conspiracy.

The prosecution, which rested its case yesterday, had made a point of the fact that the criminal charge against Boursae was dismissed by Magistrate Mancuso with the consent of Mr. Kilroe after Boursae had paid out \$18,000, of which sum Mrs. Helen Montrose St. Marie Boursae, motion picture actress and one of his wives, received \$9,000. Mr. Swarts, her attorney, \$1,500, and Edward H. Barger, another of her counsel, \$2,500.

Mr. Battle's testimony gave this transaction another appearance, and one which favored Mr. Kilroe. He testified that he talked with the Assistant District Attorney about the civil suit for \$12,000 which Mrs. Boursae had brought against her husband. He asked Mr. Kilroe whether the settlement of that action would interfere with the criminal proceedings pending or whether the Assistant District Attorney would object. Mr. Kilroe replied, Mr. Battle said, that there would be no objection to a settlement of the civil action, but that it would have no effect on the criminal case.

The defense contends there could be no prosecution of Boursae on the bigamy charge because his first wife, Elsie, had died. It was said that he lived in Canada, could not be brought here in an effort to prove the broker had a wife when he married Miss St. Marie.

Upon completion of the case of the prosecution counsel for the defendants moved to dismiss the indictment on the ground that no conspiracy or crime had been proved. Justice Weeks denied the motion, saying there was sufficient evidence to warrant his sending the case to the jury. During argument on the motion the jury was not in the room.

The trial will be continued Monday.

Ford's Paper Prohibited in Chicago and Columbus

Fights Growing Out of Attacks on Jews Bring Extension of Police Ban

CHICAGO, March 4.—Sale of The Dearborn Independent, a publication issued by Henry Ford, on the streets of Chicago was prohibited to-day under police order, following a conspiracy between James W. Breen, acting corporation counsel, and Captain Patrick Lavin, in charge of the Central Police Station.

A Captain Lavin informed me, said Breen, that the attitude of the paper, which was being sold in competition with a Jewish newspaper, recently caused a fist fight which threatened to grow into a riot. The city's action was taken under its general police powers with a view of keeping the peace."

COLUMBUS, Ohio, March 24.—Mayor Thomas is to-day ordered his safety director to issue orders to police to prohibit the sale on the streets of both The Dearborn Independent and a Philadelphia publication known as Facts, principally newspapers pro and con in the anti-Semitic discussion.

Rabbi Joseph S. Kornfeld and other Jewish leaders asked that sale of both papers be prohibited. Sale of the papers on downtown streets last Sunday night had caused a disturbance and threatened to become riotous until the newsboys were recalled.

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Mrs. Walsh Is Awarded \$300 Monthly Alimony

Alimony of \$300 a month was awarded to Mrs. Loretta Hughes Walsh, of 1079 Prospect Place, Brooklyn, by a jury yesterday before Justice Crosey in the Supreme Court.

Mrs. Walsh, whose husband is Richard S. Walsh, a wealthy real estate operator, was suing for a separation. She is a daughter of the late Dr. Peter B. Hughes, and her family is socially prominent. Among the charges she made against Mr. Walsh in her testimony was that he had referred to her sister as "unintelligent," and that he said to her:

"Elwell had the right idea about women. I should have thrown you into the river. You can make a living on Broadway."

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